



Agenda Date: 5/15/02

Agenda Item: IIIC

STATE OF NEW JERSEY

Board of Public Utilities

*Two Gateway Center
Newark, NJ 07102*

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
TKR CABLE COMPANY OF WILDWOOD, INC.)
FOR RENEWAL OF A CERTIFICATE OF)
APPROVAL TO CONTINUE TO OWN,)
OPERATE AND MAINTAIN A CABLE)
TELEVISION/ COMMUNICATIONS SYSTEM)
IN THE CITY OF NORTH WILDWOOD,)
COUNTY OF CAPE MAY, STATE OF NEW)
JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE01010058

Stryker, Tams & Dill, Newark, New Jersey, by Dennis Linken, Esq., for the Petitioner.

City Clerk, City of North Wildwood, New Jersey, by Janet A. Harkins, for the City.

BY THE BOARD:

On December 18, 1980, the Board granted Teleprompter Corporation ("Teleprompter") a Certificate of Approval in Docket No. 7911C-6583 for the construction, operation and maintenance of a cable television system in the City of North Wildwood ("City"). On June 3, 1981, in Docket No. 814C-6777, the Board approved the merger of Teleprompter into a wholly owned subsidiary of Westinghouse Broadcast Company, Inc. Group W. Cable, Inc. ("Group W"), which concurrently transferred the Certificate for the City. On June 16, 1986, the Board approved in Docket No. CM8603307, the transfer of the Certificate from Group W to TCI of New Jersey, Inc. ("TCI"). On or about September 17, 1987, the Board approved the transfer of the Certificate of Approval from a division of TCI, TCI of Wildwood, Inc. ("Wildwood") to TKR Cable Company of Wildwood, Inc. d/b/a TKR Cable Company ("Petitioner") in Docket NO. CM87060515. On July 19, 1991, the Board issued a Renewal Certificate of Approval to TKR Cable Company ("Petitioner"), in Docket No. CE90111252. The Petitioner was an indirect wholly owned subsidiary of AT&T Corporation. On April 27, 2001, the stock of the Petitioner was transferred to a subsidiary of Comcast Corporation, which was renamed Comcast Cablevision of Wildwood, Inc., in Docket No. CM00110923. Although the Petitioner's Certificate expired on December 18, 2000, it is authorized to continue to provide cable television service to the City pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the City on March 10, 2000, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The City, after public hearings, adopted an ordinance granting renewal municipal consent to the Petitioner on December 19, 2000. The Petitioner formally accepted the terms and conditions of the ordinance on December 28, 2000, in accordance with N.J.S.A. 48:5A-24.

On January 25, 2001, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the City. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the City in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Board finds this period to be of reasonable duration.
5. The Petitioner shall provide service to any person's residence or business located in the franchise territory as described in the application. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 35.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
7. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The Petitioner currently maintains a local office at: 4315 New Jersey Avenue, Wildwood, New Jersey.
9. The franchise fee to be paid to the City is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the City. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.

10. The Petitioner shall provide public, educational, and governmental ("PEG") access services, technical support, training and facilities as described in the application and the ordinance. The Petitioner shall provide the City access to a studio and remote production equipment. The Petitioner shall continue to provide one channel dedicated to for PEG access to be shared with surrounding municipalities.
11. The Petitioner shall provide the installation of one outlet and basic monthly cable television service, free of charge, to each school and library in the City. Each additional outlet shall be paid for by the institution on a materials plus labor basis. Monthly service on such additional outlets shall be charged at the regular tariffed rates for additional outlets.

Based upon these findings, the Board HEREBY CONCLUDES that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the City.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire December 18, 2010.

DATED: May 16, 2002

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J. MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO
SECRETARY